

RESPONSIVENESS SUMMARY

Hazardous Waste Facility Operating License Renewal and Major Operating License Modification

**The Dow Chemical Company
1000 East Main Street and 2314 West Salzburg Road
Midland, Michigan
MID 000 724 724 and MID 980 617 435**

June 12, 2003



**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE AND HAZARDOUS MATERIALS DIVISION**

RESPONSIVENESS SUMMARY EXECUTIVE SUMMARY

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On October 7, 2002, the Michigan Department of Environmental Quality (MDEQ), Waste and Hazardous Materials Division (WHMD), opened a public comment period to receive comments concerning a draft hazardous waste facility operating license renewal for The Dow Chemical Company (Dow) hazardous waste treatment, storage, and disposal facility located at 1000 East Main Street in Midland, Michigan and a major operating license modification for Dow's separately licensed Salzburg Road Landfill located at 2314 West Salzburg Road in Midland, Michigan. At the time the draft operating license and major operating license modification were public noticed, the MDEQ also indicated its intent to enter into a corrective action consent order to address City of Midland contaminated soils. The corrective action consent order was still under development at the time the public notice was published and was not available for public review until a later date.

Public information meetings regarding the draft operating license renewal and major license modification were held at the Midland High School Cafeteria on October 22, 2002, and at the H.H. Dow High School Cafeteria on October 29, 2002. A public hearing regarding the draft operating license renewal and major license modification was held at the Midland Center for the Arts Garden Room on November 7, 2002. The public comment period, public informational meetings, and public hearing were announced in the *Midland Daily News* and on local radio station WSGW. The corrective action consent order was made available for public review at the November 7, 2002, public hearing. On November 21, 2002, a separate public hearing was held on the draft corrective action consent order. The public comment period for the draft operating license, major operating license modification, and corrective action consent order ended on December 9, 2002. The public comment period was required pursuant to Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). During the public comment period, a number of members of the public requested the (then) MDEQ Director Russell Harding to extend the public comment period. The commenters' position was that an inadequate amount of time was allowed to review the very extensive draft operating license and corrective action consent order documents. Director Harding decided not to extend the public comment period.

On December 27, 2002, a decision was made by the MDEQ to withdraw the draft corrective action consent order and to specifically include the off-site corrective action requirements in the draft operating license. In January 2003, the new MDEQ Director, Steven Chester, reconsidered the earlier requests from the public to extend the public comment period. The public comment period on the draft operating license was re-opened from January 27, 2003 to February 26, 2003. The extension to the public comment period was announced in the *Midland Daily News*, the *Saginaw News*, and the *Bay City Times* and on local radio station WSGW.

In accordance with Part 111, this document responds to significant comments received during the public comment period, at the public information meetings, and the public hearing, and describes any changes made to the draft operating license renewal and major license modification. The attached Response to Comments and Summary of Changes documents present a summary of the significant public comments received on the draft operating license renewal and major operating license modification during the public comment period and the MDEQ responses to those comments. The Response to Comments document summarizes the comments that did not result in changes to the operating license. Comments that were submitted to the MDEQ during the public comment period on the draft corrective action consent order are now considered moot and are not responded to in the Response to Comments document. The attached Summary of Changes document presents the comments that resulted in revisions being made to the draft operating license and the reason for each change. The Response to Comments document must be read in conjunction with the Summary of Changes document. Due to the very large number and extent of comments that were received during the two public comment periods, the comments were responded to in this manner to eliminate redundancy.

Attachments